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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,645	01/29/2001	Nils B. Lahr	39511A	6757
22206	7590	01/13/2005	EXAMINER	
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800 TULSA, OK 74103-3318			JEAN, FRANTZ B	
		ART UNIT		PAPER NUMBER
		2151		
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/770,645	LAHR, NILS B.	
	Examiner	Art Unit	
	Frantz B. Jean	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

This office action is in response to the amendment filed 8/16/04. Claims 1-20 are pending in this application.

Drawings

The drawings were received on 8/16/04. These drawings are accepted by the examiner and are placed in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Scholl et al. (U.S. Patent No. 5,742,762).

As to claim 1, Scholl teaches a system comprising: a data resource request modifier, adapted to intercept and modify a data resource request issued by a user requesting data from said network prior to said data resource request reaching a data server in said network, to create a modified data resource request [col. 6, lines 6-21; Scholl discloses a network management gateway or NMG (data resource request modifier) that modifies a request (data resource request) from a web client (user) before forwarding the request to a network management system (data server) on the appropriate managed network]; and a data delivery device, adapted to control routing of requested data from a data server in said distributed data delivery network to said user based on said modified data resource request [col. 7, lines 59-63; Scholl discloses that after modifying the request, a network management proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network].

As to claim 2, Scholl teaches the system of claim 1 wherein:

 said data resource request includes a data resource request metafile [col. 3, line 66 - col. 4, line 2; Scholl discloses handling multimedia data requests (data resource request metafiles)];

 said data resource request modifier is adapted to modify said data resource request metafile to create a modified data resource request metafile included in said modified data resource request [col. 3, line 66 - col. 4, line 2; col. 6, lines 15-24; Scholl discloses a NMG (data resource request modifier) that modifies a multimedia data request (data resource request metafile) to create a network management service request (modified data resource request)]; and

 said data delivery device is adapted to control routing of said requested data from said data server based on said modified data resource request metafile [col. 7, lines 59-63; Scholl discloses that after modifying

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the request, a network management proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network].

As to claim 3, Scholl teaches the system of claim 1, wherein said data delivery device issues a response to said user based on said modified data resource request to enable said user to receive said requested data from said data server [col. 6, lines 32-45; Scholl discloses that the NMG (data delivery device) transmits a response to the user based on the network management service request (modified data resource request)].

As to claim 4, Scholl teaches the system of claim 1, wherein said modified data resource request includes data identifying said data server as the data server from which said requested

data is to be provided to said user [col. 6, lines 15-21; Scholl discloses that the network service management request (modified data resource request) is recognized as one to be forwarded to an appropriate network management system (data server)].

As to claim 5, Scholl teaches the system of claim 4, wherein said data server identified by said data in said modified data resource request [col. 6, lines 15-21; Scholl discloses that the network service management request (modified data resource request) is recognized as one to be forwarded to an appropriate network management system] is different from a data server identified by data in said data resource request prior to modification [col. 6, lines 6-15; Scholl discloses that a request (data resource request prior to modification) is recognized as one to be forwarded to the NMG].

As to claim 6, Scholl teaches a system comprising:

a data response modifier, adapted to intercept and modify a data response issued by a data server in said network [col. 7, lines 16-21; Scholl discloses that the NMG (data response modifier) receives and converts a response from a managed network object (data server) into an HTML document] in response to a data resource request issued by a user requesting data from said network [col. 6, lines 6-17, 32-36; Scholl discloses that the response is to satisfy a request (data resource request) from a user], before said response reaches said user, to create a modified data response, wherein the modified data response activates delivery of the data response from an alternate server in the network [col. 7, lines 18-30; Scholl discloses that the NMG converts the response into an HTML document (modified data response) before sending it to the client (user)]; and

a data delivery device, adapted to control routing of requested data from a data server in said distributed data delivery network [col. 7, lines 59-63; Scholl discloses that a network management proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network] to said user based on said modified data response [col. 6, lines 37-45; Scholl discloses that the NMG routes the HTML response (modified data response) to the client via the requesting Web server].

As to claim 7, Scholl teaches the system of claim 6, wherein:

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 said data response includes a data response metafile [col. 3, line 66 - col. 4, line 2; Scholl discloses handling multimedia data responses (data resource response metafiles)];

 said data response modifier is adapted to modify said data response metafile to create a modified data response metafile included in said modified data response [col. 3, line 66 - col. 4, line 2; col. 7, lines 44-48; Scholl discloses a NMG (data response modifier) that modifies a multimedia data response (data response metafile) to create an HTML document (modified data response)]; and

 said data delivery device is adapted to control routing of said requested data from said data server [col. 7, lines 59-63; Scholl discloses that a network management proxy agent in the NMG (data delivery server) determines whether the requested information will be routed from a local database or from an appropriate managed network] based on said modified data response metafile [col. 6, lines 37-45; Scholl discloses that the NMG routes the HTML response (modified data response) to the requesting Web server].

As to claim 8, Scholl teaches the system of claim 6, wherein said data delivery device issues said modified data response to enable said user to receive said requested data from said data server [col. 6, lines 32-45; Scholl discloses that the NMG (data delivery service) creates an HTML document (modified data response) to enable the Web client (user) to receive the requested data from a network management system (data server)].

As to claim 9, Scholl teaches the system of claim 6, wherein said modified data response includes data identifying said alternate data server as the data server from which said requested data is to be provided to said user [col. 8, lines 16-19; Scholl discloses that the HTML document (modified data response) is transmitted to the appropriate Web server (data server) to provide the response to the user].

As to claim 10, Scholl teaches the system of claim 9, wherein said data server identified by said data in said modified data response [col. 8, lines 16-19; Scholl discloses that the HTML document (modified data response) is transmitted to the requesting Web server (data server)] is different from a data server identified by data in said data response prior to modification [col. 7, lines 44-48; Scholl discloses that the response (data response prior to modification) is transmitted to the NMG (data server)].

Claims 11-20 represent method claims that correspond to system claims 1-10, respectively. They do not teach or define any new limitations above claims 1-10 and therefore are rejected for similar reasons.

Response to Arguments

Applicant's arguments filed 8/16/05 have been fully considered but they are not persuasive.

Applicant argued that Scholl fails to show (1) a data resource request modifier, adapted to intercept and modify a data resource request issued by a user requesting data from the network prior to said data resource request reaching a data server in the network, to create a modified data resource request, (2) a data response modifier, adapted to intercept and modify a data response issued by a data server in the network in response to a data resource request issued by a user requesting data from the network, before said response reaches the user.

Examiner respectfully submits that applicant has misinterpreted the prior art of record. Regarding to item (1), Scholl parses and translates the request, converts the requests into the appropriate network management service requests and forwards each request to the appropriate managed network (col. 6 lines 15 et seq). In other words, the data/information were converted/modified prior reaching the appropriate destination. Applicant, in the arguments, has failed to point out the entire portion of the reference the examiner has indicated in the previous office action. Examiner believes that Scholl clearly teaches the limitations in item (1) as claimed.

Regarding to item (2), Scholl discloses a data response modifier (NMG) that receives and converts (modifies) a response from a managed network object in response to a data resource request issued by a user before the response reaches the user, wherein an alternate server delivers the data response (see Scholl col. 7 lines 18 et seq; col. 6 lines 5 et seq). Examiner believes that Scholl teaches all the limitations of the invention as claimed. Therefore, applicant is requested to review the prior art of record for further consideration.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner has cited some prior art (Bauman, Maruyama, Beeler and Reed) that contain limitations that are relevant to the invention as claimed. Applicant is requested to consider these prior references upon responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571 272 3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz B. Jean



FRANTZ B. JEAN
PRIMARY EXAMINER